



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,427	09/25/2003	Hiroshi Tanaka	FJ-2003-014-US	2414
21254	7590	07/11/2007	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			NEGRON, WANDA M	
		ART UNIT	PAPER NUMBER	
		2622		
		MAIL DATE	DELIVERY MODE	
		07/11/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/670,427	TANAKA ET AL.
	Examiner	Art Unit
	Wanda M. Negrón	2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 April 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | <input type="checkbox"/> Interview Summary (PTO-413) |
| <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 1, 2 and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Currently amended **claim 1** recites in lines 7-10, “a transmission device capable of transmitting *to the plurality of image communication apparatuses* the image selected by the selection device when a request to send the image is received *from one or more* of the plurality of image communication apparatuses” (emphasis added). In other words, it is claimed that the transmission device can transmit the selected image to each of the plurality of image communication apparatuses if one of the plurality of image communication apparatuses requests the transmission. Such capability of the image communication apparatus is unsupported by the invention’s disclosure. Even though communication between an image communication apparatus and a plurality of image communication apparatuses is, in fact, disclosed, the specification of the invention solely provides for transmitting the selected image *only to the image communication*

apparatus (of the plurality of image communication apparatuses) that requests the image transmission (see figures 9-11).

Any claim not specifically addressed above is being rejected as incorporating the deficiencies of a claim upon which it depends.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claim 7 is rejected under 35 U.S.C. 112, second paragraph**, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the wireless image communication apparatus" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 3-6, 8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Oie (US 6,188,431 B1).**

7. Regarding **claim 3**, Oie discloses an image communication apparatus (1a or master camera) capable of communicating with another image communication

apparatus (1b or slave camera) in a server-client system, the server and the client corresponding to the slave and the master in figure 6, comprising a mode selecting device including an image transmission mode and an image reception mode (see col. 6, lines 7-16), a request transmission device (69 connected to 45 for wired transmission, 145 for wireless transmission) capable of transmitting a request to send an image (*Reception Code RC element* in figure 6) to an image communication apparatus at a server side, interpreted as the slave side in reception mode, when an image to be transmitted is selected from among images displayed on the image communication apparatus at the server side (see col. 6, lines 54-57). Oie also discloses an instruction device, interpreted as the shutter key (9) for establishing communication and the plus/minus keys (11, 12) for selecting the reception mode *RC* (see col. 6, lines 67 – col. 7, lines 1-11), which instructs the request to send the image to be transmitted to the image communication apparatus at the server side (*Negotiation and Reception Code RC elements* in figure 6). It would have been inherent to search for a server device, i.e. a slave camera, when using wireless communication between more than one available slave cameras (see col. 7, lines 29-43).

8. Regarding **claim 4**, Oie discloses that the image communication apparatus comprises a digital camera (1a).

9. Regarding **claim 5**, Oie discloses that the instruction device comprises a device, which operates using a release button, i.e. a shutter key button (9), of the digital camera (see col. 6, lines 60-63).

10. Regarding **claim 6**, Oie discloses an image communicating method capable of communicating an image in a server-client system, e.g. the server and the client corresponding to the slave and the master in figure 6, comprising displaying an image at a server side (see col. 6, lines 54-57), selecting at the server side an image to be transmitted to a client side from among displayed images (see col. 6, lines 57-60), instructing at the client side a request to send the image to the server side (*Depression of the Shutter Key and Selection of Reception Mode* steps in figure 6), transmitting from the client side to the server side the request to send the image from the server side to the client side (*Reception Code RC* element in figure 6), and transmitting from the server side to the client side the selected image when the server side receives from the client side the request to send the image (*Image Data* element in figure 6). It would have been inherent to select, at a client side and from a plurality of servers, a server side, i.e. a specific slave camera, when using wireless communication between more than one available slave cameras (see col. 7, lines 29-43).

11. Regarding **claim 8**, Oie discloses that the image communication apparatus comprises an image display device which displays a recorded image, i.e. an LCD (6).

12. Regarding **claim 10**, it would have been inherent to set the server side to a wireless communication mode when using wireless communication between cameras (see col. 7, lines 29-43).

13. Regarding **claim 11**, it would have been inherent to search for detectable servers when using wireless communication between more than one available slave cameras (see col. 7, lines 29-43).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. **Claims 9 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oie (US 6,188,431 B1).**

16. Regarding **claims 9, 12 and 13**, as mentioned in the discussion of claims 3 and 6 above, Oie discloses all the limitations of the parent claims. Oie, however, fails to explicitly disclose that the image display device displays a list of server devices detected during the search and one of an address, e.g. a broadcast domain, and an equipment name for the detected servers.

Official notice is taken that displaying a list of available servers with their respective broadcast domains detected during a search prior to establishing a connection is old and well known. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to display a list of available servers with their respective broadcast domains in order for the user to select the appropriate server from a plurality of available servers.

17. Regarding **claim 14**, as mentioned in the discussion of claim 6 above, Oie discloses all the limitations of the parent claim. Oie, however, fails to explicitly disclose transmitting a unique identifier when a connection is made.

Official notice is taken that transmitting a unique identifier when a connection is made within a client/server network is old and well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit a unique identifier when a connection is made between the client and the server sides in order to establish a exclusive communication link between the client and the server sides.

18. Regarding **claim 15 and 16**, as mentioned in the discussion of claim 6 above, Oie discloses all the limitations of the parent claim. Oie, however, fails to explicitly disclose receiving and displaying at a plurality of client side devices the selected image.

Official notice is taken that having multiple clients connecting to one server is old and well known in the art. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to receive and display at a plurality of client side devices the selected image when said image is requested in order for the users to acquire the desired image.

Response to Arguments

19. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Grosvenor et al. (US Patent No. 7,139,018 B2) teach a method of sharing a digital recording between a plurality of digital cameras comprising saving said recording in a database and enabling a user to access it.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2622

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wanda M. Negrón whose telephone number is (571) 270-1129. The examiner can normally be reached on Mon-Fri 6:30 am - 4:00 pm alternate Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Wanda M. Negrón/

Examiner, Art Unit 2622
July 3, 2007



DAVID OMETZ
SUPERVISORY PATENT EXAMINER